UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/980,582	VESTERGAARD ET AL.
	Examiner	Art Unit
	Baotran N. To	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01/14/2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-4, 11, 17, 18, 20, 21, 25, 27, 28, 31, 33-36, 38, 40-44, 46, 48-50 and 52-58*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-4, 11, 17, 18, 20, 21, 25, 27, 28, 31, 33-36, 38, 40-44, 46, 48-50 and 52-58*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the Applicant's Amendment filed 01/14/2008.

Claims 1, 4, 11, 25, 41, 46, 48 and 52 are amended.

Claims 5-10, 12-16, 19, 22-24, 26, 29-30, 32, 37, 39, 45, 47, and 51 are cancelled.

Claims 57-58 are newly added.

Claims 1-4, 11, 17, 18, 20, 21, 25, 27, 28, 31, 33-36, 38, 40-44, 46, 48-50 and 52-58 remain for

examination.

Response to Arguments

2.   Applicant's arguments with respect to Claims 1-4, 11, 17, 18, 20, 21, 25, 27, 28, 31, 33-36, 38, 40-

44, 46, 48-50 and 52-58 have been considered but are moot in view of the new ground(s) of rejection

Peinado et al. (U.S. Patent 7,103,574 B1) herein referred to as Peinado.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections

set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

3.   Claims 1, 3, 17, 21, 25, 36, 38, 14-39, 41-42, 46-50 and 55 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Peinado et al. (U.S. Patent 7,103,574 B1) herein referred to as Peinado in view of

Glover (U.S. Patent 6,052,780) herein referred to as Glover and in view of Eberhard et al. (U.S. Patent

Publication 2001/001238 A1) herein referred to as Eberhard and further in view of En-Seung et al. (U.S.

Patent 6,892,306 B1) herein referred to as En-Seung.

Regarding Claims 1 and 46, Peinado discloses a method of distributing electronic media (Figure 1),

the method comprising:

receiving a file at a user computing device (Figure 1, elements 12 and 14),

the file comprising encrypted media content (encrypted digital information) (col. col. 2, lines 39-41),

requesting a decryption key (decryption key) from a remote server (license server) (Figure 1,

elements 16 and 24, col. 6, line 65 - col. 7, line 4).

receiving the decryption key from the remote server at the user computing device over a

communication network (Figure 1, elements 12, 14, and 22), the decryption key itself encrypted at the

remote server with a user key (public key) (Figure 10, step 1001, col. 3, lines 30-35 and col. 24, lines 45-

50),

responding to receipt of said decryption key from said remote server at the user computing device

by: decrypting said media content at the user computing device using the decryption key (Peinado, col. 3,

lines 45-60); wherein receiving the file at the user computing device comprises receiving the file from a

remote computer (content server) over the communication network (Peinado, Figure 1, elements 12, 14,

and 22) that includes the remote server from which the decryption key is obtained but through a

communication path (distribution channel) that does not include the remote server from which the

decryption key is received (Peinado, Figure 1, elements 14, 16, and 24).

Peinado does not disclose the file comprising an integral decryption engine and decrypting said

media content using said integral decryption engine; the user key bonded to the user computing device by

being based at least in part on one or more characteristics of the user computing device such that the user

computing device can use the user key to decrypt the decryption key.

However, Glover clearly discloses the file comprising an integral decryption engine (decryption

program) (col. 3, lines 45-50 and col. 20, lines 15-35) and decrypting said media content using said integral

decryption engine (Glover, col. 3, lines 45-50 and col. 21, lines 45-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to have incorporated Glover's invention within Peinado to include the file comprising an integral

decryption engine and decrypting said media content using said integral decryption engine. One of ordinary

skill in the art would have been motivated to provide the support for the specific form of corresponding

decryption (Glover, Abstract).

Peinado and Glover do not disclose the user key bonded to the user computing device by being

based at least in part on one or more characteristics of the user computing device such that the user

computing device can use the user key to decrypt the decryption key.

However, Eberhard clearly discloses the user key bonded to the user computing device by being

based at least in part on one or more characteristics of the user computing device (paragraphs 0023-

0026).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to have incorporated Eberhard's invention within Peinado and Glover to include user key bonded to

the user computing device by being based at least in part on one or more characteristics of the user

computing device. One of ordinary skill in the art would have been motivated to do this because the

encrypted file can only be displayed as clear text on the requesting reader (Eberhard, paragraph 0012).

Peinado, Glover, and Eberhard do not disclose the user computing device can use the user key to decrypt the decryption key.

However, En-Seung discloses the user computing device can use the user key (user's key) to decrypt the decryption key (temporary validation key) (col. 5, lines 5-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated En-Seung's invention within Peinado, Glover and Eberhard to include disclose the user computing device can use the user key to decrypt the decryption key. One of ordinary skill in the art would have been motivated to prevent an individual from making a useful copy of the information (col. 2, lines 20-23 of Glover).

Regarding Claim 3, Glover, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 1 above. Glover, Peinado, Eberhard and En-Seung further disclose after decrypting the media content, viewing said media content by executing external viewer software linked to said file (Glover, col. 21, lines 20-60).

Regarding Claim 17, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 35 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein the file is executable independently of other programs and wherein requesting the decryption key and decrypting the media content are accomplished by executing the file (Glover, col. 21, lines 45-50).

Regarding Claim 20, Glover, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 2 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein decrypting

the media content and viewing the media content are accomplished without storing a decrypted copy of the

media content locally (Glover, col. 6, lines 55-65).

Regarding Claim 25, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed

in Claim 1 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein receiving the file at

the user computing device comprises downloading the file from the remote computer using a peer to peer

network, the remote computer that is different from the remote server from which the decryption key is

received (Peinado, Figure 1, elements 14, 22 and 24 and Eberhard, Figure 1, paragraph 0012).

Regarding Claim 34, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed

in Claim 1 above. Glover, Peinado, Eberhard and En-Seung further disclose generating the user key at the

user computing device (Eberhard, paragraphs 0023-0026 and En-Seung, col. 6, lines 58-63).

Regarding Claim 35, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed

in Claim 34 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein decrypting the

media content at the user computing device using the integral decryption engine and the decryption key

comprises using the user key to decrypt the decryption key and to thereby obtain a decrypted decryption

key (Peinado, col. 16, lines 20-30 and En-Seung, col. 16. lines 20-30).

Regarding Claim 36, Peinado, Eberhard and En-Seung disclose the limitations as discussed in

Claim 35 above. Peinado, Eberhard and En-Seung further disclose wherein using the user key to decrypt

the decryption key is performed without storing the decrypted decryption key in memory accessible to a user of the user computing device (Peinado, col. 12, lines 22-30 and En-Seung, col. 12, lines 22-30).

Regarding Claim 38, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 36 above. Peinado, Eberhard and En-Seung further disclose wherein decrypting the media content and viewing the media content are accomplished without storing a decrypted copy of the media content in memory accessible to a user of the user computing device (Peinado, col. 3, lines 35-50 and En-Seung, col. 3, lines 35-50).

Regarding Claim 41, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 35 above. Peinado, Eberhard and En-Seung further disclose wherein receiving the file at the user computing device comprises downloading the file from the remote computer using a peer to peer network, the remote computer that is different from the remote server from which the decryption key is received (Peinado, Figure 1, elements 14, 22 and 24).

Regarding Claim 42, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 1 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein decrypting the media content at the user computing device using the integral decryption engine and the decryption key comprises using the user key to decrypt key and to thereby obtain a decrypted decryption key (Peinado, col. 6, lines 55-65 and En-Seung, col. 5, lines 5-25 and col. 6, lines 55-65).

Regarding Claim 48, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 1 above. Glover, Peinado, Eberhard and En-Seung further disclose sending the file from the user computing device to a second user computing device over the communication network over a second communication path does not include the remote server (Peinado, Figures 1 and 12, col. 6, lines 5-30); upon receipt of the file at the second user computing device; sending a request, from the second user computing device to the remote server, for the decryption key (Peinado col. 2, line 35 – col. 3, lines 45); receiving the decryption key from the remote server at the second user computing device, the decryption key itself encrypted at the remote server with a second user key (Peinado, Figure 10, step 1001, col. 3, lines 30-35 and col. 24, lines 45-50), the second user key bonded to the second user computing device by being based at least in part on one or more characteristics of the second user computing device (Eberhard paragraphs 0023-0026) such that the second user computing device can use the second user key to decrypt the decryption key (En-Seung, col. 5, lines 5-25); and responding the receipt of the decryption key from the remote server at the second user computing device by decrypting the media content at the second user computing device using the integral decryption engine (Glover, col. 3, lines 45-50 and col. 20, lines 15-35) and the decryption key (Peinado col. 2, line 35 – col. 3, lines 45 and En-Seung col. 3, lines 5-18 and col. 22, lines 10-20, col. 6, lines 30-36, col. 7, lines 6-16 and 52-61).

Regarding Claim 49, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 48 above. Glover, Peinado, Eberhard and En-Seung further disclose after receiving the file at the second user computing device, generating the second user key at the second user computing device (Peinado col. 6, lines 5-30 and col. 15, lines 35-40 and En-Seung, col. 6, lines 59-63).

Regarding Claim 50, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 49 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein decrypting the media content at the second user computing device using the integral decryption engine and the decryption key comprises using the second user key to decrypt the decryption key and to thereby obtain a decrypted decryption key (Peinado col. 15, lines 15-40 and En-Seung, col. 5, lines 5-25).

Regarding Claim 55, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 1 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein the decryption key received at the user computing device is permanent such that decrypting the media content at the user computing device using the integral decryption engine and the decryption key may be performed multiple times at the user computing device using the integral decryption engine and the same decryption key (Peinado, col. 2, lines 50-65, Glover, col. 20, lines 15-35, Eberhard, paragraph 0023-0026 and En-Seung, col. 7, lines 52-61).

Regarding Claim 57, Glover, Peinado, Eberhard and En-Seung disclose the limitations as discussed in Claim 1 above. Glover, Peinado, Eberhard and En-Seung further disclose wherein the user key is based on a digital fingerprint of the user computing device (Eberhard, paragraph 0030).

4.   Claims 4, 11, 21, 28, 31, 43-44, 52-54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peinado et al. (U.S. Patent 7,103,574 B1) herein referred to as Peinado in view of Glover (U.S. Patent 6,052,780) herein referred to as Glover in view of Budge et al. (U.S. Patent 6,564,248 B1) herein referred to as Budge and in view of Eberhard et al. (U.S. Patent Publication 2001/001238 A1)

herein referred to as Eberhard and further in view of En-Seung et al. (U.S. Patent 6,892,306 B1) herein

referred to as En-Seung.

Regarding Claim 4, Peinado discloses a method of managing distribution of proprietary electronic

media (Figure 1), the method comprising:

receiving a single file at a user computing device (Figure 1, elements 12 and 14),

the single file comprising encrypted media content (encrypted digital information) (col. col. 2, lines

39-41),

obtain a decryption key (decryption key) from a remote server over a communication network

(Figure 1, elements 12, 14, and 22), the decryption key itself encrypted at the remote server with a user

key (public key) (Figure 10, step 1001, col. 3, lines 30-35 and col. 24, lines 45-50),

decrypt said media content using the decryption key (Peinado, col. 3, lines 45-60); wherein receiving

the single file at the user computing device comprises downloading said single file from a computer

(content server) via the communication network (Peinado, Figure 1, elements 12, 14, and 22) wherein the

communication network from which the single file is download includes the remote server from which the

decryption key is obtained (Peinado, Figure 1, elements 14, 16, and 24); and wherein downloading the

single file from the computer via the communication network comprises downloading the single file from the

computer through a communication path (distribution channel) that does not include the remote server from

which the decryption key is obtained (Peinado, Figure 1, elements, 12, 14, 16, 22, and 24).

Peinado does not disclose the file comprising an integral decryption engine and integral media

playback software; decrypting said media content using said integral decryption engine; view the media

content using the integral media playback software; the user key bonded to the user computing device by

being based at least in part on one or more characteristics of the user computing device such that the user computing device can use the user key to decrypt the decryption key.

However, Glover clearly discloses the file comprising an integral decryption engine (decryption program) (col. 3, lines 45-50 and col. 20, lines 15-35) and decrypting said media content using said integral decryption engine (Glover, col. 3, lines 45-50 and col. 21, lines 45-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Glover's invention within Peinado to include the file comprising an integral decryption engine and decrypting said media content using said integral decryption engine. One of ordinary skill in the art would have been motivated to provide the support for the specific form of corresponding decryption (Glover, Abstract).

Peinado and Glover do not disclose integral media playback software and view the media content using the integral media playback software; the user key bonded to the user computing device by being based at least in part on one or more characteristics of the user computing device such that the user computing device can use the user key to decrypt the decryption key.

However, Budge expressly discloses integral media playback software and view the media content using the integral media playback software (col. 2, lines 25-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Budge's invention with Peinado and Glover to provide integral media playback software. One of ordinary skill in the art would have been motivated to allow the receiving system to view the video file without necessity of previously installing special software at the receiving system (Budge, col. 6, lines 15-20).

Peinado, Glover and Budge do not disclose the user key bonded to the user computing device by being based at least in part on one or more characteristics of the user computing device such that the user computing device can use the user key to decrypt the decryption key.

However, Eberhard clearly discloses the user key bonded to the user computing device by being based at least in part on one or more characteristics of the user computing device (paragraphs 0023-0026).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Eberhard's invention within Peinado, Glover, Budge to include user key bonded to the user computing device by being based at least in part on one or more characteristics of the user computing device. One of ordinary skill in the art would have been motivated to do this because the encrypted file can only be displayed as clear text on the requesting reader (Eberhard, paragraph 0012).

Peinado, Glover, Budge, and Eberhard do not disclose the user computing device can use the user key to decrypt the decryption key.

However, En-Seung discloses the user computing device can use the user key (user's key) to decrypt the decryption key (temporary validation key) (col. 5, lines 5-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated En-Seung's invention within Peinado, Glover, Budge, and Eberhard to include disclose the user computing device can use the user key to decrypt the decryption key. One of ordinary skill in the art would have been motivated to prevent an individual from making a useful copy of the information (col. 2, lines 20-23 of Glover).

Regarding Claim 11, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein said remote server tracks a number of decrypting key downloads relating to the single file (Glover, col. 21, lines 5-10).

Regarding Claim 21, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein decrypting the media content and viewing the media content are accomplished without storing a decrypted copy of the media content locally (Glover, col. 6, lines 55-65).

Regarding on Claim 28, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein the single file is executable to view the media content using the integral media playback software without storing a decrypted copy of the media content in memory accessible to a user of the user computing device (Glover, col. 20, lines 55-67).

Regarding Claim 31, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein server tracks a number of decryption keys relating to the single file that have been issued by the remote server (Glover, col. 21, lines 5-10).

Regarding Claim 43, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein execution of the single file causes the user computing device to generate the user key at the user computing device (Peinado, col. 6, lines 59-63).

Regarding Claim 44, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 43 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein execution of the single file to decrypt the media content using the integral decryption engine and the decryption key comprises using the user key to decrypt the decryption key and to thereby obtain a decrypted decryption key (Peinado, col. 5, lines 20-25).

Regarding Claim 52, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose sending the file from the user computing device to a second user computing device over the communication network over a second communication path does not include the remote server (Peinado, Figures 1 and 12, col. 6, lines 5-30); upon receipt of the file at the second user computing device; sending a request, from the second user computing device to the remote server, for the decryption key (Peinado col. 2, line 35 – col. 3, lines 45); receiving the decryption key from the remote server at the second user computing device, the decryption key itself encrypted at the remote server with a second user key (Peinado, Figure 10, step 1001, col. 3, lines 30-35 and col. 24, lines 45-50), the second user key bonded to the second user computing device by being based at least in part on one or more characteristics of the second user computing device (Eberhard paragraphs 0023-0026) such that the second user computing device can use

the second user key to decrypt the decryption key (En-Seung, col. 5, lines 5-25); and responding the

receipt of the decryption key from the remote server at the second user computing device by decrypting the

media content at the second user computing device using the integral decryption engine (Glover, col. 3,

lines 45-50 and col. 20, lines 15-35) and the decryption key (Peinado col. 2, line 35 – col. 3, lines 45).

Regarding Claim 53, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as

discussed in Claim 52 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose after

receiving the file at the second user computing device, generating the second user key at the second user

computing device (Peinado col. 6, lines 5-30 and col. 15, lines 35-40).

Regarding Claim 54, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as

discussed in Claim 53 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein

decrypting the media content at the second user computing device using the integral decryption engine

and the decryption key comprises using the second user key to decrypt the decryption key and to thereby

obtain a decrypted decryption key (Peinado col. 15, lines 15-40).

Regarding Claim 56, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as

discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein

the decryption key received at the user computing device is permanent such that decrypting the media

content at the user computing device using the integral decryption engine and the decryption key may be

performed multiple times at the user computing device using the integral decryption engine and the same

decryption key (col. 3, lines 45-50 and col. 20, lines 15-35 of Glover, col. 2, lines 50-65 of Peinado, and

paragraph 0023 of Eberhard).

Regarding Claim 58, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as

discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung further disclose wherein

the user key is based on a digital fingerprint of the user computing device (Eberhard, paragraph 0030).

5.   Claims 2, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peinado,

Glover, Eberhard, and En-Seung as applied to claim 1 above, and further in view of Budge et al. (U.S.

Patent 6,564,248 B1) herein referred to as Budge.

Regarding Claim 2, Peinado, Glover, Eberhard, and En-Seung disclose the limitations as discussed

in Claim 1 above. Glover further discloses after decrypting the media content (col. 3, lines 45-50), but

Peinado, Glover, Eberhard, and En-Seung explicitly do not disclose viewing said media content by

executing viewer software, the viewer software also integral with said file.

However, Budge expressly discloses viewing said media content by executing viewer software, the

viewer software also integral with said file (col. 2, lines 25-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to have incorporated Budge's invention within Peinado, Glover, Eberhard, and En-Seung to provide

viewing said media content by executing viewer software, the viewer software also integral with said file.

One of ordinary skill in the art would have been motivated to allow the receiving system to view the video

file without necessity of previously installing special software at the receiving system (col. 6, lines 15-20).

Regarding Claim 18, Peinado, Glover, Eberhard, and En-Seung disclose the limitations as

discussed in Claim 17 above. Peinado, Glover, Eberhard, and En-Seung do not disclose wherein the file

also comprises integral media player software.

However, Budge expressly discloses wherein the file also comprises integral media player software

(col. 2, lines 25-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to have incorporated Budge's invention within Peinado, Glover, Eberhard, and En-Seung to provide

wherein the file also comprises integral media player software. One of ordinary skill in the art would have

been motivated to allow the receiving system to view the video file without necessity of previously installing

special software at the receiving system (col. 6, lines 15-20).

Regarding Claim 20, Peinado, Glover, Eberhard, En-Seung, and Budge disclose the limitations as

discussed in Claim 2 above. Glover further discloses wherein decrypting the media content and viewing

the media content are accomplished without storing a decrypted copy of the media content locally (col. 20,

lines 55-67).

6.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peinado, Glover, Budge,

Eberhard, and En-Seung as applied to claim 4 above, and further in view of Wiser et al. (U.S. Patent

6,385,596 B1) herein referred to as Wiser.

Regarding Claim 33, Peinado, Glover, Budge, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Budge, Eberhard, and En-Seung do not disclose wherein a portion of the media content is previewable prior to decrypting the media content using the integral decryption engine and the decryption key.

However, Wiser expressly discloses a portion of the media content is previewable prior to decrypting the media content using the integral decryption engine and the decryption key (col. 3, lines 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Wiser's invention within Peinado, Glover, Budge, Eberhard, and En-Seung to provide a portion of the media content is previewable prior to decrypting the media content using the integral decryption engine and the decryption key. One of ordinary skill in the art would have been motivated to allow the consumer has the opportunity to watch the portion of the video program before ordering (Wiser, col. 3, lines 55-60).

7.   Claims 27 and 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peinado, Glover, Eberhard, and En-Seung as applied to claim 1 above, and further in view of Wiser et al. (U.S. Patent 6,385,596 B1) herein referred to as Wiser.

Regarding Claims 27 and 40, Peinado, Glover, Eberhard, and En-Seung disclose the limitations as discussed in Claim 4 above. Peinado, Glover, Eberhard, and En-Seung do not disclose wherein a portion of the media content is previewable prior to decrypting the media content using the integral decryption engine and the decryption key.

However, Wiser expressly discloses a portion of the media content is previewable prior to decrypting the media content using the integral decryption engine and the decryption key (col. 3, lines 50-60).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Wiser's invention within Peinado, Glover, Eberhard, and En-Seung to provide a portion of the media content is previewable prior to decrypting the media content using the integral decryption engine and the decryption key. One of ordinary skill in the art would have been motivated to allow the consumer has the opportunity to watch the portion of the video program before ordering (Wiser, col. 3, lines 55-60).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baotran N. To whose telephone number is (571)272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. N. T./
Examiner, Art Unit 2135
03/19/2008

/KIMYEN VU/
Supervisory Patent Examiner, Art Unit 2135